

IN RE: PETITION FOR SPECIAL EXCEPTION
SE Cor. Merritt Blvd. and
Wise Avenue
179 Merritt Blvd.
12th Election District
7th Councilmanic District
Legal Owner: Baltimore County
Contract Purchaser: Ram Mobile
Data USA Ltd. Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No. 93-426-X

MEMORANDUM OPINION

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 179 Merritt Blvd. in the Dundalk section of Baltimore County. The Petition is filed by the property owner, Baltimore County, a body politic, and its lessee, Ram Mobile Data USA Ltd. Partnership (hereinafter "Ram Mobile"). The Petition seeks approval for a wireless transmitting and receiving facility on the subject site, to be operated by a private corporation, Ram Mobile.

Appearing at the public hearing was Michael A. Stripeikis, on behalf of Ram Mobile. Also appearing at the public hearing was Thomas A. Kieffer, a Registered Landscape Architect in the State of Maryland. Mr. Kieffer is employed with Ben Dyer Associates, Inc., the engineering firm which prepared the site plan. This plan has been accepted into the record as Petitioner's Exhibit No. 1. The Petitioners were represented by G. Scott Barhight, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is located near the intersection of Merritt Boulevard and Wise Avenue in Dundalk. The actual area of the proposed special exception is .7053 acres. Presently, the site is improved with a 400 ft. high communications tower, an equipment

building serving same, a parking lot, and fencing. The tower was constructed by Baltimore County as part of the County's emergency communication system. The tower is used to foster communications in the County's emergency network and to meet the needs of the Police and Fire Departments. The site is zoned D.R.10.5.

The co-Petitioner, Ram Mobile, has contracted with Baltimore County to lease a small area of the site and tower. Ram Mobile specializes in cellular communications. Although Ram Mobile is not involved in the cellular telephone industry, similar technology is employed by the company to provide transmission of computer data and similar information. Ram Mobile proposes to install two 12 ft. long antennas on the top of the existing tower. These antennas will serve as part of Ram Mobile's cellular communication network throughout the County and State of Maryland. Further, a proposed 10 x 8 ft. equipment building will be constructed at the base of the tower. Ram Mobile's communication line will run from the building up through the interior of the tower and terminate at the antennas on the top thereof. As is the case with many of these communication towers, the facility will be unmanned. However, routine maintenance will be occasionally performed by a Ram Mobile employee. The private communications received and relayed by the antenna from Ram Mobile's customers will not interfere with the public communications network of Baltimore County. That is, the communication frequencies are compatible with one another. Further, clearly, Ram Mobile's use is not for any public purpose or in furtherance of any governmental function. Ram Mobile is a private corporation in business to make a profit for its stockholders by providing cellular communication services to the public.

-2-

On the same date that a public hearing was held on the proposed Petition for Special Exception, in this case, the Petitioners came before this office on two companion cases. In each instance, Ram Mobile has filed a Petition for Special Exception seeking approval of a wireless transmitting and receiving facility. Further, in each instance, Ram Mobile was proposing to place its antennas on an existing tower owned and operated by Baltimore County. Further, the related improvements, including the proposed 10 x 8 ft. service building, were the same in each case.

In case No. 93-427-X, I comprehensively addressed the issue relating to Baltimore County's immunity from its own zoning regulations and the nature and scope of the proposed special exception. I concluded that only Ram Mobile's improvements were the subject of the Petition for Special Exception. Further, I determined that Ram Mobile's application was exempt from the requirement set forth in Section 502.7.C.1 through 5 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, I noted that the Petitioner had complied with the requirements of Section 502.7.C.6 through 9 of the B.C.Z.R.; however, had failed to submit an environmental impact statement as required by Section 502.7.C.10. Owing to the similarity of the facts presented in the instant case with those presented in case No. 93-427-X, I am persuaded that my reasoning therein should be applied to this case. Thus, as required in case No. 93-427-X, I shall require the Petitioner to submit a written environmental impact statement within thirty (30) days. My reasons for requiring the submission of said statement are fully set forth in the aforementioned Memorandum Opinion. That Opinion, as applicable to the facts in this case, is incorporated herein as if fully restated.

-3-

Further, it should be noted that based upon the uncontradicted evidence and testimony presented, I am persuaded that the Petitioner has met its burden and that the special exception should be granted. Thus, the said special exception will be granted following the receipt of the required environmental impact statement, assuming, of course, that said statement does not state that Ram Mobile's proposed improvements will be detrimental to the health, safety or general welfare of the locale.

I shall hold this matter sub curia for a period of 30 days. Within that time, a written environmental impact statement shall be prepared and submitted. Thereafter, a decision shall be rendered on the Petition in accordance with the full record of this case.

DATE: 7/27/93

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 29, 1993

(410) 887-4386

G. Scott Barhight, Esquire
Whiteford, Taylor, Preston, etc.
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 93-426-X
Property: 179 Merritt Boulevard
Legal Owner: Baltimore County
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Barhight:

Enclosed please find the Memorandum Opinion rendered in the above captioned case. The Petition for Special Exception has been held in abeyance for the reasons set forth in the enclosed Opinion. Kindly forward the requested information as required.

Please do not hesitate to contact me should you have any questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Thomas A. Kieffer
cc: Mr. Michael A. Stripeiki

IN RE: PETITION FOR SPECIAL EXCEPTION
SE Cor. Merritt Blvd. and
Wise Avenue
179 Merritt Blvd.
12th Election District
7th Councilmanic District
Legal Owner: Baltimore County
Contract Purchaser: Ram Mobile
Data USA Ltd. Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No. 93-426-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 179 Merritt Blvd. in the Dundalk section of Baltimore County. The Petition is filed by the property owner, Baltimore County, a body politic, and its lessee, Ram Mobile Data USA Ltd. Partnership (hereinafter "Ram Mobile"). The Petition seeks approval for a wireless transmitting and receiving facility on the subject site, to be operated by a private corporation, Ram Mobile.

This matter came in for a public hearing at which the Petitioner was represented by G. Scott Barhight, Esquire. As a result of the testimony and evidence presented at that hearing, a Memorandum Opinion was issued by this office. That Memorandum Opinion tentatively granted the Petition for Special Exception, but required the Petitioner to submit a written Environmental Impact Statement. An Environmental Impact Statement has been received relative to this project. The Statement, which has been included within the case file as a portion of the record of this case, was prepared by EA Engineering, Science, and Technology.

I have reviewed carefully the Environmental Impact Statement, as well as providing a copy of same to Mr. Steve Reekie of the Department of Environmental Protection and Resource Management for Baltimore County. Based upon these reviews, I am convinced that the proposed tower addition will

not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Exception will be and is hereby granted for the reasons set forth in the aforesaid Memorandum Opinion. That opinion is incorporated by reference herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of September, 1993 that, pursuant to the Petition for Special Exception, approval for a wireless transmitting and receiving facility on the above subject site, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein.

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 9, 1993

G. Scott Barhight, Esquire
Whiteford, Taylor, Preston, etc.
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 93-426-X
Property: 179 Merritt Blvd.
Legal Owner: Baltimore County
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.
cc: Thomas A. Kieffer
cc: Mr. Michael A. Stripeiki

-2-



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 179 Merritt Boulevard, Dundalk
which is presently zoned D.R.-10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Wireless Transmitting and Receiving Facility

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner

Ram Mobile Data USA Limited Partnership

Signature of Petitioner
Richard M. Merkle

10 Woodbridge Center Dr., Suite 950

Woodbridge NJ 07095

Attorney for Petitioner

Jonathan Swiss, Esq.

Signature of Attorney
Jonathan Swiss

10 Woodbridge Center Drive
Woodbridge, NJ 07645

Telephone (908) 602-5500

Legal Owner(s)
Type of Petitioner
Signature of Legal Owner(s)
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93-426-X

ZONING DESCRIPTION

RAM MOBILE DATA FACILITY AT NORTH POINT
PART OF THE LANDS OF BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 12
BALTIMORE COUNTY, MARYLAND

Being a strip or parcel of land hereinafter described in, through, over and across part of the lands of Baltimore County, Maryland, recorded among the Land Records of Baltimore County, Maryland in Liber 6408 at Folio 342.

Beginning for the said strip or parcel of land at a point distant South 11°56'34" East, 710.4 feet from the intersection of the centerlines of Wise Avenue and Merritt Boulevard and running thence across the lands of the owner hereto the following four (4) courses

1. South 20°06'33" East, 147.00 feet to a point;
2. South 69°53'27" West, 209.00 feet to a point;
3. North 20°06'33" West, 147.00 feet to a point;
4. North 69°53'27" East, 209.00 feet to the place of beginning, containing 30,723 square feet or 0.7053 of an acre of land.

SDisc: Zoning/rfs



#434

CERTIFICATE OF POSTING

District: 12th Date of Posting: 6/11/93
Posted for: Special Exception
Petitioner: Ram Mobile Data USA Limited Partnership
Location of property: 179 Merritt Blvd., Dundalk, Baltimore County, Md.
Location of Signage: Posting: 200 ft. x 100 ft. on building
Remarks:
Posted by: [Signature] Date of return: 6/18/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/11/93
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/11/93.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

NOTICE: (1) Hearing on Monday, June 14, 1993, at 10:30 a.m. in the 118, Old Courthouse, Room 118, Old Courthouse, Towson, Maryland 21204. (2) Hearings are handicapped accessible; for special accommodations please call 887-3353. (3) For information concerning the file and/or hearing, contact this office at 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 434

Petitioner: Ram Mobile Data USA Limited Partnership

Location: SE Corner of Wise Avenue and Merritt Blvd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ben Dyer Associates, Inc.

ADDRESS: 8100 Professional Place

P.O. Box 1450 Landover MD 20785-0450

PHONE NUMBER: (301) 459-9208

AJ:ggg

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 11, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-426-X (Item 434)

179 Merritt Boulevard
SEC Merritt Boulevard and Wise Avenue

12th Election District - 7th Councilmanic

Legal Owner(s): Baltimore County

Contract Purchaser(s): Ram Mobile Data USA Limited Partnership

HEARING: TUESDAY, JULY 6, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

Arnold Jablon
Director

cc: Ram Mobile Data USA Limited Partnership
Jonathan Swiss, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 25, 1993

Jonathan Swiss, Esquire
10 Woodbridge Center Drive
Woodbridge, NJ 07645

RE: Case No. 93-426-X, Item No. 434
Petitioner: Baltimore County
Contract Purchaser: Ram Mobile Data USA Limited Partnership
Petition for Special Exception

Dear Mr. Swiss:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 1, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 93-426-X (11575)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 16, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 433, 434, 436 and 437.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Pat Keller*

PK/JL:lw

433.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: June 24, 1993, Meeting

- #433 - No comments
- #434 - No comments
- #435 - No comments
- #436 - No comments
- #437 - No comments
- #438 - Building shall be built in compliance with the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- #439 - Building shall comply with the applicable sections of the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- #440 - No comments

RECEIVED
JUN 17 1993
ZADM

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 1, 1994

Michael T. Maguire
Senior Vice President
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21204

RE: SEC Merritt Boulevard & Wise Avenue
Zoning Case #93-426-X
12th Election District

Dear Mr. Maguire:

This letter responds to your request for a zoning determination that "no further zoning authority is required prior to building permit application" in reference to the addition of (9) new antennae and (2) microwave transmitters on an existing Baltimore County antennae site previously approved by special exception case #93-426-X for a wireless transmitting and receiving structure. These new antennae are to be in addition to those already approved in the special exception case.

Based on the provided information and plans as reviewed by the staff, the following has been determined: Though the proposed additions might initially appear to be consistent with the intent of the zoning order and approved plan, the fact that the site is in a D.R. zone and there are new wireless transmitting and receiving structures being attached to the existing tower clearly indicates that a new hearing will be necessary to approve this new use. The fact that these antennae and transmitters are being added within a previously approved special exception area does not mitigate the requirement for a new zoning hearing, particularly in light of the fact that Section 502.7.C.1, Baltimore County Zoning Regulations (BCZR) requires these facilities be located on existing structures (as you have proposed) in order to be granted the required special exception.

Michael T. Maguire
August 1, 1994
Page 2

The additional burdens of this section also obligates the Zoning Commissioner to determine compliance with a variety of requirements (as part of the special exception process). Therefore, due to the requirements which staff regretfully cannot waive, a new special exception or special hearing to amend the previously approved order and plans will be necessary to approve the additional structures prior to any final zoning approvals.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

John L. Lewis
John L. Lewis
Planner II

JLL:scj

cc: Zoning Case #93-426-X

8100 PROFESSIONAL PLACE
POST OFFICE BOX 1450
LANDOVER, MARYLAND 20785-0450

TELEPHONE 1-301-459-9200
FAX 1-301-459-4361

BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

TRANSMITTAL

TO: Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

DATE: June 1, 1993

JOB NO.: 93070

JOB NAME: RAM AT NORTH POINT

WORK ORDER: 42009

No. Copies	Drawing No.	Description
3 originals	-	Petition for Special Exception Forms - signed and filled out
12 prints	47.002-Y	Plan to Accompany Zoning Hearing
3 photocopies	-	Description (sealed)
1 photocopy	SE 3 F	Official Zoning Map (1" = 200')
1 check	-	\$300.00 Filing Fee

Reason for Sendings: Application for Special Exception review.

Sent Via: Mail _____ Your Pick Up _____ Messenger _____ Other Delivery

BEN DYER ASSOCIATES, INC.

By: *Thomas A. Kieffer*
Thomas A. Kieffer, A.L.A.
Associate

cc: Mike Stripeskis w/enclosure

PW:TAJ
rle

#434

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE Corner Merritt Blvd. & Wise : OF BALTIMORE COUNTY
Ave. (179 Merritt Blvd.), :
12th Election District :
7th Councilmanic District : Case No. 93-426-X

BALTIMORE COUNTY, MD, Owner :
Ram Mobile Data USA Limited :
Partnership, Contract Purchaser :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 22nd day of June, 1993,
a copy of the foregoing Entry of Appearance was mailed to H. Emslie Parks,
County Attorney, Courthouse, 400 Washington Ave., Towson, MD 21204; and
Jonathan Swiss, Esquire, 10 Woodbridge Center Drive, Woodbridge, N. J.
07645.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUN 23 1993
ZADM

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 1400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 410 547-4700
FAX 410-710-1061

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

SUITE 400
888 17TH STREET, NW
WASHINGTON, D.C. 20006-3919
TELEPHONE 301-439-6806
FAX 301-331-0371

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-3926
TELEPHONE 703-684-3742
FAX 703-684-0243

G. SCOTT BARRHIGHT

DIRECT NUMBER
410-832-1002

August 27, 1993

HAND DELIVERED
Lawrence E. Schmidt, Esquire
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Petition for Special Exception
Case No. 93-426-X
Property: 179 Merritt Boulevard
Legal Owner: Baltimore County
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Schmidt:

Enclosed is an Environmental Impact Statement for the proposed Ram Mobile Data facility at the above location consistent with your order dated July 29, 1993. If I can be of any additional assistance, please feel free to contact me.

Thank you for your kind attention to this matter.

Scott Barrhight
G. Scott Barrhight

GSB:aes
Enclosure

cc: Thomas A. Kieffer
Mr. Michael A. Stripeskis
Jonathan Swiss, Esquire

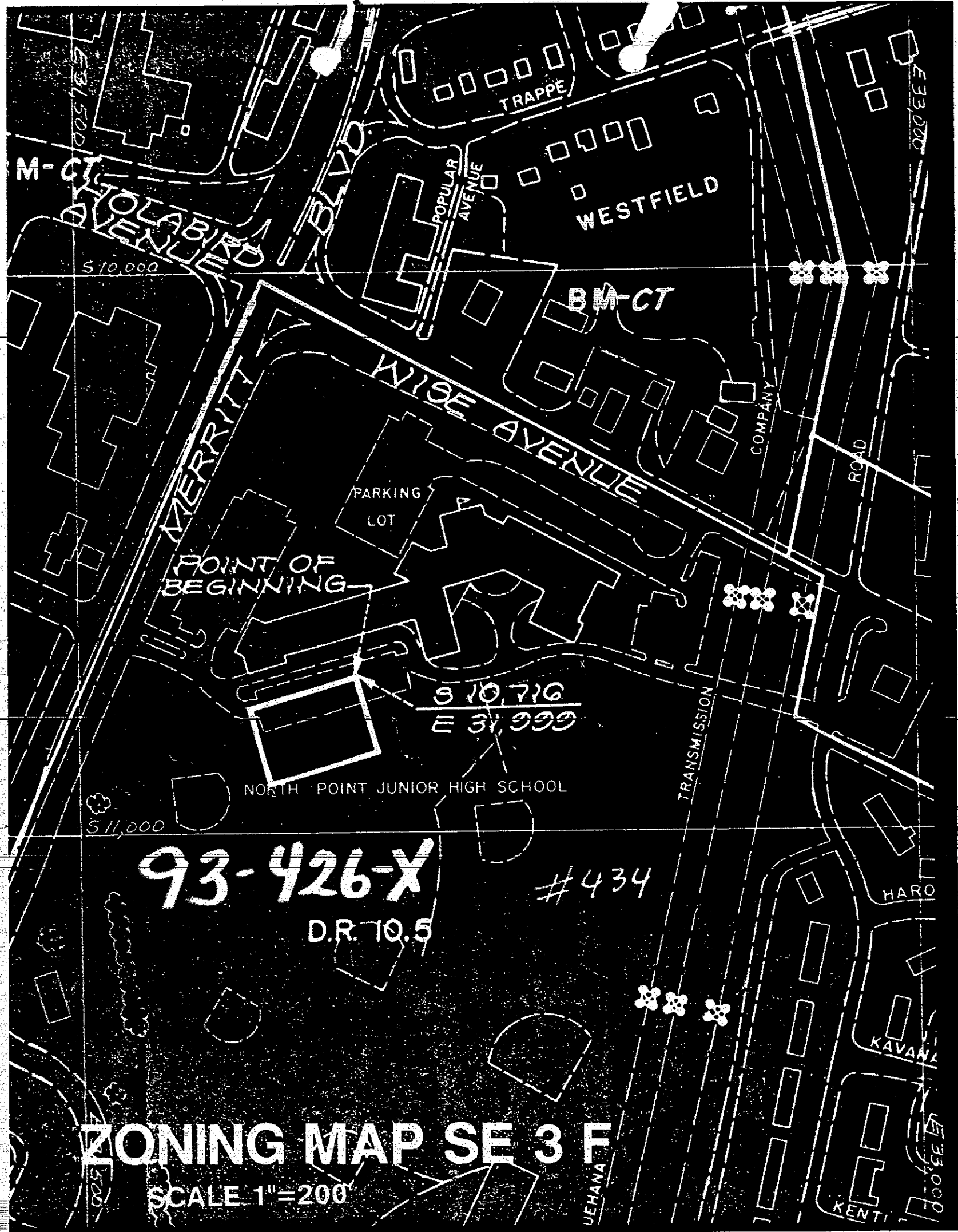
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET Case No. 93-426-X

NAME
Michael A. Stripeskis
Thomas A. Kieffer

ADDRESS
233 JADWEN ST. CYND NJ 07001
96 Ben Dyer Assoc. Inc. P.O. Box 1450
8100 Professional Pl., Landover, Md. 20785

Printed with Soybean Ink
on Recycled Paper



8100 PROFESSIONAL PLACE
POST OFFICE BOX 1450
LANDOVER, MARYLAND 20785-0450

TELEPHONE 1-301-459-9200
FAX 1-301-459-4301

PETITIONER'S EXHIBIT No. 2

BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

THOMAS A. KIEFFER, ASSOCIATE
Maryland Registered Landscape Architect

POSITION: Master Planning Section Head, Planning Department, Ben Dyer Associates, Inc.

EDUCATION: Graduated in 1973 from SUNY College of Environmental Sciences and Forestry at Syracuse University, Bachelor of Environmental Sciences (Cum Laude) 1972, and Bachelor of Landscape Architecture (Cum Laude) 1975.

EXPERIENCE: July 1983 thru Present - Ben Dyer Associates, Inc. Responsibilities include land planning for highest and best use, rezoning, and special exception project management; staff management, and testifying as expert witness in land planning and Landscape Architecture.

June 1981 thru July 1983 - Woodmore Corporation, a division of the Arnold Palmer-Buckley Development Company, Mitchellville, Maryland. Position: Principal Landscape Architect/Planner responsible for comprehensive development planning of the 1,100 acre Woodmore Recreational Community.

October 1977 thru June 1981 - Maryland-National Capital Park and Planning Commission, Upper Marlboro, Maryland. Position: Senior Planner responsible for evaluation and design of land development proposals, public works and neighborhood business revitalization projects, review of zoning proposals, coordination of multi-agency reviews, preparation of staff reports and making recommendations to the County Planning Board.

September 1974 thru June 1981 - University of Maryland, Institute of Applied Agriculture, College Park, Maryland. Position: Lecturer of Landscape Design (part time).

October 1975 thru October 1977 - Maryland-National Capital Park and Planning Commission, Community Development Block Grant Program. Position: Landscape Architect responsible for design of site improvements, on-site supervision, and collection of data.

June 1973 thru October 1975 - Boris Tianshenko and Associates, Landscape Architects Site Planners, Chevy Chase, Maryland. Position: Junior Landscape Architect responsible for plan preparation, collection of field data, and technical writing.

1971-1975 - SUNY College of Environmental Sciences and Forestry Position: Instructor, plant material identification courses.

EXPERT TESTIMONY: Expert Witness qualified in Land Planning and Landscape Architecture before the Zoning Hearing Examiner in Prince George's County (first qualified in ZMA-9496 on 10/31/84, and numerous times since then), before the Prince George's County Circuit Court (first qualified in S.H.A. v. Zehner on 11/30/89), and the Howard County Board of Appeals (September, 1992).

AFFILIATIONS: Member: Phi Kappa Phi National Honor Fraternity
Member: American Society of Landscape Architects
Member: Pr. George's County Chamber of Commerce: Legislative Review Committee

EA

**ENVIRONMENTAL IMPACT STATEMENT
FOR RAM MOBILE DATA'S PROPOSED
MOBILE DATA FACILITY AT NORTH POINT/DUNDALK
BALTIMORE COUNTY, MARYLAND**

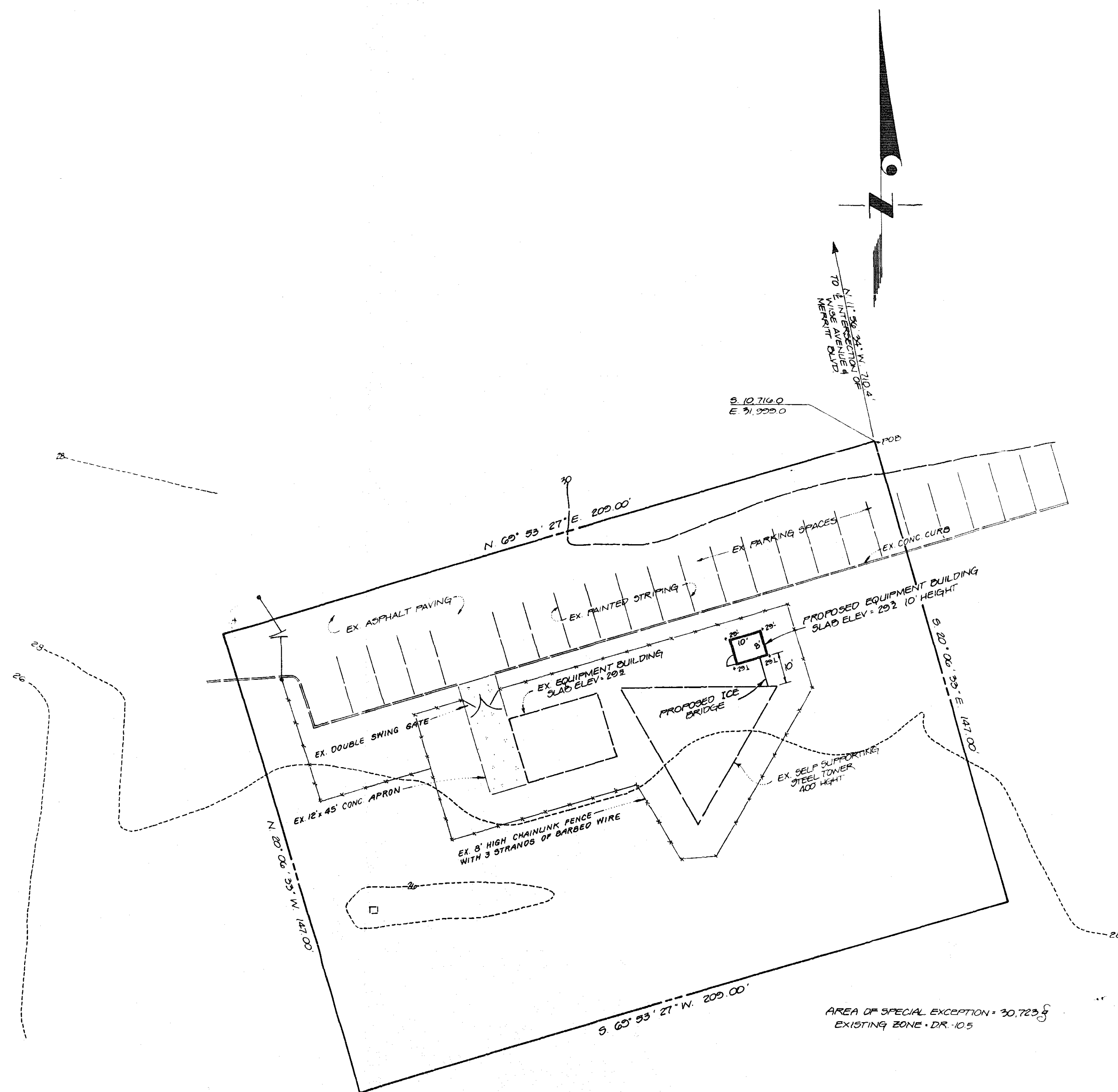
Prepared for:

RAM Mobile Data
10 Woodbridge Center Drive, Suite 950
Woodbridge, New Jersey 07095

Prepared by:

EA Engineering, Science, and Technology
15 Loveton Circle
Sparks, Maryland 21152

August 1993 EA Project 12659.01

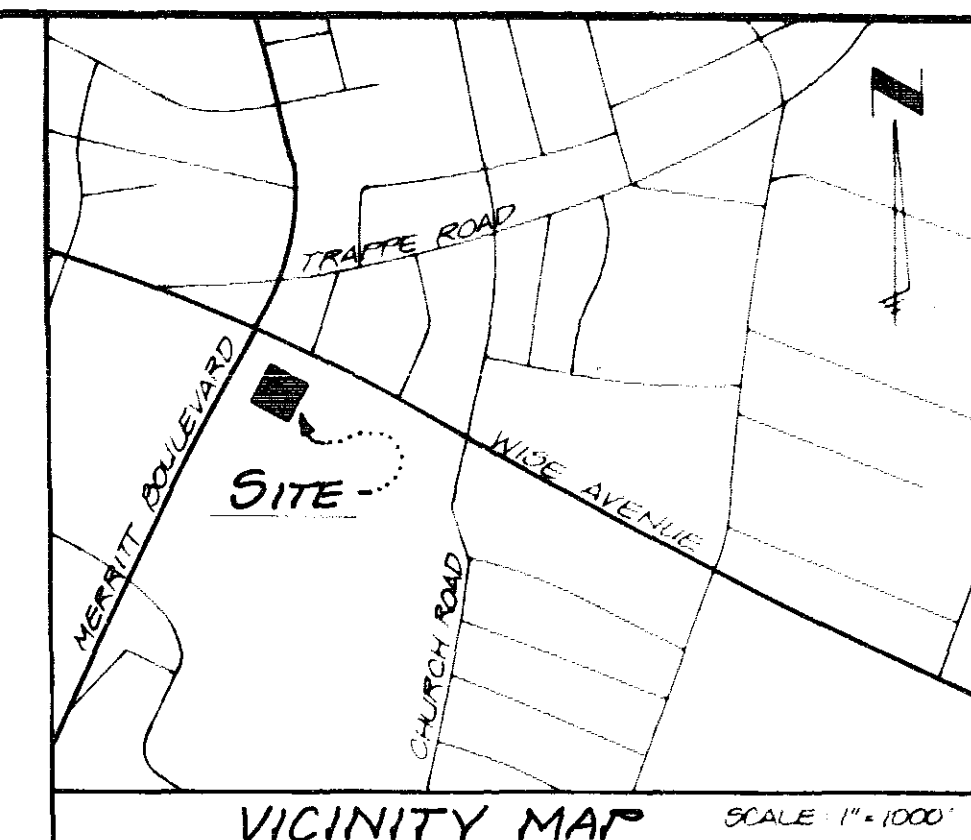


SITE PLAN
SCALE 1" = 20'

AREA OF SPECIAL EXCEPTION = 30,723.5
EXISTING ZONE = D.R. 10.5

NOTES

- This zoning application is a Petition for Special Exception for a Wireless Transmitting and Receiving Facility as provided for by Section 1801.1 -- General Use Regulations in D.R. Zones, and Section 502.7 -- Wireless Transmitting and Receiving Facilities.
- The subject property is zoned D.R.-10.5 and appears on Zoning Map SE3F and Tax Map 103, Grid 11.
- Area of special exception = 30,723 sq. ft. (0.7053 ac.).
- The proposed development program is for the attachment of a 10' antenna to the top of an existing 400' high tower (total height = 410') and the addition of an 8' x 10' x 10' high equipment building and cable connection near the base of the existing tower, all to be within the existing fenced compound, as shown on this plan.
- Election District 12; County Council District 7.
- This site does not lie within the Chesapeake Bay critical area.
- Research indicates that the special exception area is not subject to any previous commercial permits, zoning hearing decisions, nor C.R.G. approvals.
- The proposed use, an unmanned communications facility, requires no off-street parking spaces be provided.
- The special use requirements of this use are contained in Section 502.7 and are addressed as follows:
 - This site is not within one and one-half miles of an existing district on the Baltimore County Final Historic Landmarks List, nor any of the named historical districts.
 - This facility will be mounted to an existing tower that is 400' high.
 1. through 5. do not apply because the proposed facility would be mounted on an existing structure over 50' in height.
 6. through 9. The applicant agrees with the following conditions:
Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times;
When the use is terminated, the structure shall be removed;
Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the aforementioned structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification; and
No white strobeoscopic lights will be used.
 10. and 11. are not applicable because the tower exists already; i.e. this application is not for a tower.
- The nonresidential principal building setbacks are exceeded by the proposed limits of the special exception area related to the proposed 8' x 10' equipment building.
- Site conditions represented taken from Remote Radio Shelter-North Point: Site Plan & Sediment Control Plan prepared by STV Engineers Planners and provided by Baltimore County Government (Dwg. No. C-1, latest revision dated 6/21/88); not a field survey.



PLAN TO ACCOMPANY ZONING HEARING
FOR

RAM MOBILE DATA FACILITY
AT NORTH POINT
(A.K.A DUNDALK) 175 MERRITT ROAD
BALTIMORE COUNTY, MARYLAND

**PETITIONER'S
EXHIBIT** No. 1

OWNER: BALTIMORE COUNTY
200 SP-12-004
COURT HOUSE
BALTIMORE, MD 21204



6-28-93

DATE		DESCRIPTION		BY	CHECKED BY	RECORD NO.
		REVISIONS				

ONE METRO PLAZA
800 PROFESSIONAL PLACE, LANDOVER, MARYLAND 20785
BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners
TELEPHONE (301) 458-9200

PROJECT NO. 610
SCALE 1" = 20'
DATE MAY 1993
SHEET NO. 47 OF 47